

REMARKS

The present patent application has been reviewed in light of the office action, dated May 7, 2010, in which the claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kuwahara et al., U.S. Publication No. 2003/0162550 (hereinafter "Kuwahara").

Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-37 are pending. Claim 26 has been amended to correct a minor informality, without disclaimer. No new matter has been added

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kuwahara. Assignee respectfully traverses these rejections.

To anticipate a claim, the reference must teach each and every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The applied document does not show each and every element of the claims. Kuwahara appears to show a system for determining a position of a wireless terminal under the coverage of one or more base stations in a wireless communication system. Kuwahara further appears to show a technique for the wireless terminal to estimate whether it is receiving signals from a repeater, so that the potential repeater might be accounted for in performing position estimation operations for the wireless terminal. See, for example, Figs. 3 and 4 of Kuwahara. However,

Kuwahara does not disclose “receiving information in a wireless communication system from a repeater through a base station of a set of base stations, the information being indicative of signals of said set of base stations detectable by said repeater” (emphasis added) as recited in claim 1.

For example, Kuwahara does not disclose “receiving information in a wireless communication system from a repeater through a base station” as recited in claim 1. In support of the assertion that Kuwahara does make such a disclosure, the Examiner points to Fig. 3 and paragraphs [0052] and [0053] of Kuwahara. However, as can be clearly seen in Fig. 3, information is flowing to a wireless terminal from one or more base stations and possibly from a repeater, and not “from a repeater through a base station” as set forth in claim 1. Paragraphs [0052] and [0053] describe a process by which the wireless terminal attempts to determine whether the wireless terminal is receiving signals from a repeater, or whether all of the signals received are from base stations, without traveling through a repeater. For example, beginning at line 6 of paragraph [0052], Kuwahara states:

“If a repeater is connected to a transmitting base station exists, there is a possibility that the terminal receives signals from the repeater. The terminal compares the delay (delay time) of signals from the possible repeater and the delay of signals from another base station (112). If propagation distance obtained by multiplying the delay by light velocity for the signals from both is significantly longer than the distance between both base stations, it is determined that the terminal receives signals from the repeater (113).”

Note that in the passage recited above from Kuwahara, the terminal receives signals from a base station through a possible repeater, and Kuwahara is disclosing a technique to determine whether the signals from the base station are received through the possible repeater. There is no disclosure in Kuwahara of receiving information in a wireless communication system “from a repeater through a base station” as recited in claim 1. To the contrary, as described above, information is disclosed in Kuwahara as flowing from a base station directly

to a terminal, or from a base station through a repeater to the terminal, as demonstrated clearly in Fig. 3 of Kuwahara.

Additionally, there is no disclosure in Kuwahara of information “being indicative of signals of said set of base stations detectable by said repeater” being received “from a repeater through a base station” as also recited in claim 1. In support of the assertion that Kuwahara does make such a disclosure, the Examiner again points paragraphs [0052] and [0053] of Kuwahara. Assignee respectfully submits that paragraphs [0052] and [0053] appear to discuss a repeater detection method illustrated in Fig. 5. As indicated in paragraph [0053], “step 111” involves a “repeater detection method...in which the terminal looks through the information table and determines whether a repeater exists that is connected to a base station in the vicinity of the terminal...”. That the information table is stored in a memory of the wireless terminal may be seen, for example, in the first sentence of paragraph [0052]. However, there is no disclosure anywhere in Kuwahara that the information table stored at the wireless terminal includes information related to signals “detectable by said repeater”, as recited in claim 1. Also, note that there is no disclosure in Kuwahara of information from the information table being transmitted from the wireless terminal to any other entity, such as, for example, to a repeater. The repeater, therefore, would not have the ability to transmit information from the information table to any other entity in the wireless communication system. Therefore, even if the information table stored at the wireless transmitter is interpreted to include information related to signals detectable by the repeater (and Assignee does not concede that such is the case), Kuwahara would still not disclose “receiving information...from a repeater through a base station” (emphasis added) as recited in claim 1.

Therefore, for at least these reasons, Kuwahara does not disclose “receiving information in a wireless communication system from a repeater through a base station of a set of base stations, the information being indicative of signals of said set of base stations detectable by

said repeater” (emphasis added) as recited in claim 1, and Kuwahara does not anticipate claim 1.

While differing in scope at least in part, independent claims 6, 12, 17, 21, 26, 30, 34, and 36 recite elements similar to those discussed above in connection with independent claim 1. Therefore, for at least these reasons, Kuwahara does not anticipate each and every element of independent claims 1, 6, 12, 17, 21, 26, 30, 34, and 36. Kuwahara further does not anticipate each and every element of claims 2-5, 7-11, 13-16, 18-20, 22-25, 27-29, 31-33, 35, and 37, which depend from claims 1, 6, 12, 17, 21, 26, 30, 34, and 36, respectively. Assignee respectfully requests the withdrawal of the rejections to claims 1-37.

CONCLUSION


It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In light of the amendments and remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated 8/9/10

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